

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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BAUSCH & LOMB INCORPORATED,

Plaintiff,

No. 6:08-cv-6260 (MAT) (MWP)

-against-

**STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE**

LEXINGTON INSURANCE COMPANY,

Defendant.

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IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff Bausch & Lomb, Inc. ("B&L") and defendant Lexington Insurance Company ("Lexington"), through their undersigned counsel, that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local Rule 41(a), all claims by B&L against Lexington in the above-captioned action are dismissed with prejudice, and without costs.

Dated: Rochester, New York
October 17, 2011

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Attorneys for Defendant

SO ORDERED

S/MICHAEL A. TELESKA

The Honorable Michael A. Telesca
United States District Court Judge

Dated: 10/17/11